

**Minutes  
Minnetonka City Council  
Monday, April 11, 2016**

**1. Call to Order**

Schneider called the meeting to order at 6:58 p.m.

**2. Pledge of Allegiance**

All joined in the Pledge of Allegiance.

**3. Roll Call**

Council Members Tony Wagner, Bob Ellingson, Dick Allendorf, Patty Acomb, Brad Wiersum, Tim Bergstedt, and Terry Schneider were present.

**4. Approval of Agenda**

Wiersum moved, Wagner seconded a motion to accept the agenda with addenda to items 14C and 15. All voted "yes." Motion carried.

**5. Approval of Minutes: March 28, 2016 regular council meeting**

Bergstedt moved, Acomb seconded a motion to approve the March 28, 2016 regular council meeting minutes, as presented. Wagner, Ellingson, Acomb, Wiersum, Bergstedt, and Schneider voted "yes." Allendorf abstained. Motion carried.

**6. Special Matters:**

**A. Retirement recognition of Firefighters Michael Branvold and Robert Welch**

Schneider presented plaques to Branvold and Welch.

**B. Recognition of 2016 Citizen Academy graduates**

Schneider presented certificates to the graduates.

**C. Proclamation declaring April 22, 2016 as Earth Day**

Acomb read the proclamation.

**D. Proclamation declaring April 29, 2016 as Arbor Day**

Bergstedt read the proclamation.

**E. Presentation on city communications**

Assistant City Manager Perry Vetter gave the presentation.

Wagner said one of the difficult things about road reconstruction projects was things change on a daily basis. He said the communications improvements were needed. He asked if the Next Door neighborhood application had been looked at. Vetter said one of the concerns with social media applications was many of them have a very focused audience and staff wanted to make sure to use applications that allowed for the best and the most strategic way for getting the message out. He said right now that did not include Next Door.

Schneider said he agreed the younger generation wanted information immediately and did not want to wait a couple of weeks. He said it was important however not to leave an element of the city's population out by moving too far one way or the other with communications technology. One suggestion would be to have a direct mailing with the a summary of the different ways to connect with the city.

**7. Reports from City Manager & Council Members**

City Manager Geralyn Barone reported on upcoming meetings.

**8. Citizens Wishing to Discuss Matters not on the Agenda**

Barone presented the background of the Libb's Lake road reconstruction project.

Richard Koppy, 3013 Lake Shore Boulevard, said he really did want the project but it should not be to the residents' detriment. There were 15 trees over 48 inches in size on Shores Boulevard alone that will come down unless something changes. Residents did not know this until recently when the trees were marked. He said the water main was driving everything and the city was losing focus. He was the city engineer in St. Louis Park for 12 years and did at least 150 miles of street during his time with the city. St. Louis Park didn't have quite the narrow streets that Minnetonka has but they hardly ever cut down trees. The city worked with its contractors to save the trees using things like trench boxes. Today the streets are still in good shape showing that jury rigged processes were not used. He said he provided the Minnetonka engineering staff with three or four alternatives to look at. If directional boring was not an option because

of the contract situation, the city should at least look at moving the water main in a couple of feet. On average, there was a two foot vertical clearance between the water main and the sewer. The state health department's code allows the sewer and water to be moved closer together. The ten foot difference in the code was a guideline distance and no one had a magic number for what the actual distance should be. He suggested closing the distance to six to eight feet. The city's concern was cutting the tree roots and having trees fall over. He said he understood this concern but did not agree with it. He used as little as a five foot distance many times.

Koppy said right-of-way wasn't the city's property but was everybody's property. He said the bottom line was there were alternatives and he didn't believe staff looked at them very well at the beginning of the project. Directional boring could have been bid. When he was with St. Louis Park the city assessed 65 percent of the costs. Minnetonka could do that as well. Residents would be willing to pay to save trees. He said he wished the city would treat the neighborhood as partners rather than adversaries. A lot of the neighbors questioned why the northern area was not being done. He said a petition would be filed the next day with the Environmental Quality Board for an environmental assessment worksheet (EAW). An EAW would require the city to look at the environmental impact. This wasn't being done because he wanted the project stopped. He was in favor of the project. The petition process was being used because of the destruction that would be caused.

Sharon Davis, 3221 Shores Boulevard, said the city could not on one hand, celebrate Arbor Day, and on the other hand, plot the destruction of trees it deemed inconvenient. Deciding to buy a home was a complex and long term decision. Many things were factored into the decision including the aesthetics of the neighborhood. She said everyone benefits from the Schmidt's trees and all the trees on the boulevard. She quoted from a University of Washington study on street trees. The study indicated higher real estate values and faster home sales related to trees. Sales are higher at businesses having a high quality tree canopy. She said a study showed that trees reduce air particulates by nine to 13 percent and the amount of dust reaching the ground was 27 to 42 percent less. Mature trees slowed down damage from storm winds. Trees absorb excess water during heavy rains mitigating flood damage. Ecologically speaking, trees absorb roughly 48 pounds of carbon dioxide every year locking up the greenhouse gases for generations while producing oxygen. Mature trees improve the entire micro-climate of an area and can reduce heating and cooling costs and also reduce noise pollution and ozone levels. She cited walkability guru Dan Burden's 22 benefits of urban street trees that calculated a single

street tree returned over \$90,000 of direct benefits during its lifetime. Street trees encourage neighbors to get out and walk, building community and reducing crime. She asked the city to put the project on hold while it reexamines all the factors. Residents should be consulted about rearranging funds used for things like fireworks displays to be used instead toward something that impacts people on a daily basis. She asked a change order be included in contracts to reduce or eliminate mature tree removal.

Anya Kroll, 3226 Larchmore Avenue, said the city had the opportunity to set an example and serve as a beacon to other cities that were facing similar challenges in trying to update infrastructure while maintaining the aesthetic appeal of the community. Trees were a financial asset, emotionally pleasing and provided a sense of community. She said staff's comments about not wanting to use a cookie cutter approach was hypocritical because plowing through old communities 10-15 feet on each side of the street was very cookie cutter. She didn't see any reason other options could not be considered given the lack of notice to the neighbors. She did not oppose updating infrastructure but she asked the project be put on hold to reassess things.

Luise Forseth, 16631 Meadowbrook Lane, said the situation reminded her of when she served as a legislative assistant to former Sen. Dave Durenberger. There was a threat that a veteran's hospital was going to be closed. The U.S. Department of Defense said it needed to close a number of hospitals because of the costs. Many veterans opposed the closing because it involved people's health care. She said the issue with the road project involved residents' sanctuaries. Her house and yard were her sanctuary. The fact the city had signed contracts on people's sanctuaries made her question what the city was thinking. It was difficult enough to feel that individuals were important and could make a difference. She said her husband had planted six trees in their yard. They treated an elm tree for years even though they knew it would die because they loved it. When it died they cried because it was part of their family and sanctuary. She said she did not learn of the tree removal until recently.

Terry Zurn, 3035 Lake Shore Boulevard, said this was a nonconforming neighborhood that was not a cookie cutter neighborhood. The trees provided the character. He thought it was hypocritical that the city had a tree ordinance protecting trees. Anytime there was a big project trees should be replaced. He asked that the trees being removed be clearly marked so the neighbors could see the impact. He believed it would be devastating. The landscaping he planted would be removed and put in a

pile because it was in the right-of-way. He understood the infrastructure needed to be protected but it had to be done responsibly.

Garrett Gardner, 2953 Fairchild Avenue, said the neighborhood was beautiful because of the trees. He said when the trees are removed along Highway 101, the noise from the traffic would impact this neighborhood. He lost a tree and for the first time ever he can hear the traffic on Highway 101 and he is quite a distance from the highway. He said he was a certified arborist and a couple of years ago he managed the tree removal for a street resurfacing. Around 100 trees were removed and not replaced. The only tree replacement he sees was in the city's parks. He asked the city work with the county and state to replace trees removed during street projects. He wanted the city to be willing to make more sacrifices in order to save trees.

Bill Webster, 3209 Larchmore Avenue, said the only communication he received about the tree removal was a note from a neighbor. He was told by the University of Minnesota that he had the largest Silver Maple tree in the state. It was better than nine feet thick. He was concerned about losing the tree. It provided the shade for his house. He has a master certification in heating and ventilation. When he does the required heat loss and heat gain calculations he finds shade can affect 25-35 percent of the load calculation for a house. He was concerned losing his tree would mean his air conditioner would no longer be adequate. This probably didn't occur to anybody as a factor. He did not know curbs were being installed and he did think they were necessary. When it rains the water runs into his yard and then goes away. He asked the council to reconsider the project.

Tyler Adam said he was a Chanhassen resident who comes to Minnetonka for its trees. He climbs trees as a hobby. The tree removal impacts more than Minnetonka residents. There were viable alternatives and contracts can be renegotiated.

Schneider said there was good feedback received and staff would continue to work diligently to ensure whatever was done was done as well as could be done in terms of cost, and environmental and safety issues. He encouraged residents to meet one on one with staff to see what options might be available to save individual trees.

Schneider called a recess at 8:41 p.m.

Schneider called the meeting back to order at 8:51 p.m.

**9. Bids and Purchases: None**

**10. Consent Agenda – Items Requiring a Majority Vote:**

- A. Resolution calling a public hearing regarding a multifamily housing development at 5750 Shady Oak Road granting preliminary approval for the issuance of revenue bonds to finance the costs**

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-026. All voted “yes.” Motion carried.

**11. Consent Agenda – Items requiring Five Votes: None**

**12. Introduction of Ordinances: None**

**13. Public Hearings: None**

**14. Other Business:**

- A. Resolution for the Ridgehaven Lane/Ridgedale Drive (Cartway Lane) and Plymouth Road improvement projects**

City Engineer Will Manchester gave the staff report.

Wagner said this was a much better plan than the plan the council saw last August. There was the right kind of access both for those visiting Minnetonka and for residents who were landlocked on a daily basis coming out of the neighborhoods to the west. He said he mentioned to staff earlier that enhanced transit connections in the area didn't seem to be incorporated into the design. He suggested this be reviewed as right-of-way was negotiated with Byerlys and Target.

Wiersum said this was a good plan but he had some concern about the one lane under the underpass and if that would be sufficient. Manchester said different options were looked at, including two lanes. When the plans and specs are brought back as part of the final design, the item could be discussed further.

Schneider said he had similar thoughts but as he thought through it, the people going to Best Buy a lot of times also go to Target. The width of whatever was put in and the structured part over it was related to the impacts on the elevations and grades. If it worked to build a structure to accommodate a two lane road even if only one was put in now, it would prevent having to rebuild something 20 years from now. He said the plan

was a great improvement of what currently exists not only for the holiday season but year round. It was an expensive project but it was a long term investment for the Ridgedale area that would yield future revenue, business growth and opportunities for people maintaining healthy businesses.

Wiersum said the area was a regional center and anybody who has lived in the city had spent quite a bit of time in the area. No one had ever loved the traffic situation. The area was such an important part of the community and was so visible to the region. Getting it right would reflect well on the city.

Schneider noted earlier in the day he was at a regional council of mayors meeting. The main focus was getting updates from real estate professionals. When it came to the retail component there was discussion about difficult times related to the internet and how 1950's and 1960's shopping centers were being phased out with two exceptions: the Mall of America and Ridgedale.

Wagner moved, Allendorf seconded a motion to adopt resolution 2016-027 approving layout #5B, ordering the improvements, authorizing preparation of plans and specifications, and authorizing easement acquisition. All voted "yes." Motion carried.

**B. Resolution endorsing the Shady Oak Station Area Development Strategy**

City Planner Loren Gordon gave the staff report.

Wagner said not only was this a good example of the work between the two cities but it was also something that was really studied at the Southwest Community Works Working Group. What was starting to be put into motion was how to seed the area for consistency in development along the entire corridor. This was one of a few areas along the corridor where there were two cities that had jurisdiction around a station area. Tightening up and getting ahead of proposals going forward would be important. The area was pretty commercial office driven and the market wasn't quite there. He asked staff to comment about more residential in the area. Gordon said the plan was adaptable. If more residential plans come in, the other complimentary things would need to be reviewed to ensure there was the right mix.

Wiersum said the plan was exciting with a lot of creativity and great activity in the area that would contribute to both Hopkins and Minnetonka.

He asked if there were other cities that have light rail and have done transit oriented design that have these type of innovation places in new construction. Community Development Director Julie Wischnack said staff did not envision seeing every building being reconstructed. It could be a mixture of reuse and new construction. She said the consultant from Portland had examples of where it had happened elsewhere in the country.

Wagner said consultants had been brought in who had done redevelopment in Portland, Denver, and Phoenix. He said the plan was great on paper but what was important were things like the zoning, the joint powers board, and the having the financing tools to make it happen. The economics of this station area were not the easiest.

Schneider said he thought things were going in the right direction. One of the things that will spark some different evolution of this was the basic assets and fabric of a rail line that goes all the way downtown and out to Eden Prairie. This would more and more become the mode of choice for travel particularly for millennials. Having a theme like innovation may set the station apart from areas like the Warehouse District where there were more artists. In the area to the south the buildings were not worth a lot so there were great opportunities for evolution of the buildings to attract start-up innovative companies. He said there were a lot of assets that could be marketed to attract a different lifestyle than downtown. He thought the potential was probably being undersold. The idea was to maintain flexibility and not boxing the city in. He said the one area that was missing in the planning strategy was laying out a game plan for the ability to do enhanced TOD/TIF scenario. Right now there was not the appetite at the state with the legislature trying to rein in the use of TIF but he thought once this line was approved and everyone sees the huge development potential there will be the need to have the ability to recapture some of the growth in increment to reinvest back into the light rail line. He thought this should be looked at. Wischnack said a group of cities were meeting to discuss the different tools including TIF.

Wagner moved, Allendorf seconded a motion to adopt resolution 2016-028 endorsing the Shady Oak Station Area Development Strategy. All voted "yes." Motion carried.

**C. Resolution regarding the support of a Minnesota Investment Fund application in connection with StemoniX**

The applicant withdrew the application with the Minnesota Department of Employment and Economic Development.

**15. Appointments and Reappointments: None**

Schneider moved, Wiersum seconded a motion to adopt resolution 2016-029 appointing Mike Fruen as commissioner and Jacob Millner as alternate commissioner to the Bassett Creek Water Management Commission; Tom Dietrich, Water Resources Engineering Coordinator, as a member to the Bassett Creek Technical Advisory Committee with Will Manchester, Director of Engineering, as an alternate member to the committee. All voted "yes." Motion carried.

**16. Adjournment**

Wagner moved, Wiersum seconded a motion to adjourn the meeting at 9:31 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda  
City Clerk